

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.30 OF 2026
WITH
INTERIM APPLICATION NO.138 OF 2026**

Dadu Bala Hanbar (Deceased) & Anr.Appellants
Vs.
Babu Krishna Hanbar (Deceased) & Ors.Respondents

Mr. Sandeep Koregave, for the Appellants.
Mr. Ishaan Kapse, with Mr. Sameer Pladgal, for the Respondents.

**CORAM : MRS. VRUSHALI V. JOSHI, J.
DATED : 13th FEBRUARY 2026**

PC.:-

1. The Appeal is filed by the Appellant, who is the original Defendant. The suit was filed by the Plaintiff for partition. The suit came to be decreed, and half share in the suit property was allotted to the Plaintiff. According to the Defendant, the suit property was his self-acquired property, and the Plaintiff had no share therein.
2. Though the Defendant had filed his written statement, he neither led evidence nor was he cross-examined by the Plaintiff. Aggrieved by the decree passed by the Trial Court, the Defendant

preferred an Appeal before the Appellate Court. During the pendency of the Appeal, the Appellant received certain documents and accordingly filed an Application below Exhibit “X-2” under Order XLI Rule 27 of the Code of Civil Procedure for production of additional documents. Another Application was also filed for production of documents.

3. Though the said documents were placed on record, the Applications were neither considered nor disposed of, and the documents were not taken into consideration while deciding the Appeal. The Appellate Court, however, confirmed the decree passed by the Trial Court. Hence, the Appellant has approached this Court by way of Second Appeal.

4. The Appellant has contended that since the Applications for production of documents were not considered by the Appellate Court, the matter deserves to be remanded back for consideration of the said Applications. The Respondent has also agreed to remand the matter back to the Appellate Court for the limited purpose of deciding the said Applications.

5. As the Applications at Exhibits 52 and 54, along with the documents annexed thereto, were not considered by the Appellate Court, and upon the request of both the parties, the matter is remanded back to the Appellate Court to consider the said Applications within a period of two months.
6. The Appeal accordingly stands **disposed** of. The order passed by the Appellate Court is set aside.
7. The parties shall appear before the District Court on 20th February 2026.
8. Interim Applications, if any, also stand **disposed** of.

(MRS. VRUSHALI V. JOSHI, J.)